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CASE STATED,  
WITH

Some OBSERVATIONS concerning  
*Sir Richard Onslow*, Major *James Pitson*,  
Capt. *Thomas Moore*, Esq; and *Richard*  
*Forbench* Gentleman.

With a short Parallel to *Sir Mathew Brand*, and  
Major *Wythers*, their cases with the same  
*Sir Richard Onslows*.

**T**He ground of the difference betwixt the Premised Gentlemen, was this. Mr. *Forbench* a late servant to the King, having deserted the Court, and adhering to the Parliament, from the beginning of these intestine wars, and being a Friend to the present Government, in taking the Engagement, and acting accordingly, in doing, and executing his duty, being imployed about the Accounts for the County, found that whereas *Sir Richard Onslow* and others of the Committee of *Surrey* sitting at *Kingston* had laid a Tax of 1600. *l.* upon the County, for paying the Souldiers Arrears, that *Sir Richard* his Brother-in-law, Mr. *Stanton* and his Son, Mr. *Arthur Onslow*, had doubled the proportion without the Authority of Parliament upon the West division, where *Sir Richard* constantly has his abode, and that the said *Sir Richard* had neither paid the debt, which he undertook should be paid the Town of *Farnham*, nor the Souldiery under his command, nor hath accounted for the money so surcharged upon the Country, all which Mr. *Forbench* hath, and can make appear.

This honest, and worthy discovery being taken notice of in the Country, *Sir Richard Onslow* after his wonted manner, waved the good  
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straight legal way, (for if it had been a scandal, he might have taken his remedy at the Common-Law) and betook himself, to his crooked by-ways, and thought with a high hand to crush Mr. *Forbench*, and therefore he resorted to his old retreat, his faction in the Country, such as had lent little or nothing on the Propositions, and that he had protected from paying their fifth and twentieth parts, so to blast and oppress honest Mr. *Forbench*, he must be bound to his good behaviour for scandalizing Sir *Richard Onslow*, who though he be a secluded Member, yet the Honorable Parliament have so indulged him, that they have done him more honour then he deserves, for they have put him into all Commissions, yet Sir *Richard* would not Act nor take the Engagement, and consequently affronted the Parliament by his evil example which favoured of Malignancie, or accursed neutrality at the best; so that if Sir *Richard* returne to the Parliament, we may thank honest Mr. *Forbench*, for his conversation. But Sir *Richard* hath answered both by his God-fathers, and himself, that the reason why he did not act for the Parliament, was, because he would be first vindicated in his reputation in the Country against Mr. *Forbench*.

This is no answer, for suppose Mr. *Forbench* had gone higher and call'd Sir *Richard* neutral, Malignant, or an Enemy to the Parliament, Sir *Richard* was not in capacity to vindicate himself, because he had not taken the Engagement, therefore he was in the condition of an outlaw'd person besides he refused to act for the Parliament, being call'd unto it, & stood in his wonted posture of neutrality, just like as when he opposed the Southern association in the Star-Chamber to watch the success of things; and certainly the battle at *Dunbar* hath reduced him, and in question, as long as the Army continues conquering he will act for the Parliament, so the Army is the true antidote against Malignants. In order to Mr. *Forbench* being bound to his good behaviour, contrary to a late Act of Parliament, Mr. *Forbench* was served with a warrant on the Lords-day, and on the Monday following, he went early in the morning to the Constable, and from him to the next Justice of the peace, Major *Pitson*, who delivered his opinion, the warrant was illegal, because there was no particular case expressed in it, and therefore discharged Mr. *Forbench*; afterwards there issued forth another warrant or poisoned arrow shot out of the same quiver, to bring Mr. *Forbench* before the Justices sitting at *Guildford*, where upon a full debate, upon the illegality of the warrant, no particular cause being expressed, Mr. *Forbench* was again discharged.

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At the late Christmas quarter Sessions, after Sir John Lenthall had given the charge, Sir Richard Onslow sitting all the while on the Bench, he stood up and made a long speech, as a Justice to the Country, setting forth how he was scandalized by Mr. Forbench, and demanded Justice of the Bench against him; when Sir Richard had made an end of speaking, and sat down with his hat on, as a Justice; Major Pitson one of the Justices of the same County, very gravely and stoutly, vindicated the Honour of the Parliament, and told the Bench Sir Richard ought not to sit there; for he was no Justice, by reason he had neither taken the Engagement, nor the Oath as a Justice of the Peace, and that which was most horrid and unjust, he was judge and party in his own cause, and further demanded, that Sir Richard should pay his forfeiture, of a hundred pound; and Capt. Moore seconded Major Pitson, and divers others; whereupon Sir Richard Onslow, with much adoe withdrew; so that Sir Richard Onslow's arrogancy, and turbulency of spirit, was the one-ly cause of the disturbance of the Bench; and troubling the Country; and Major Pitson, Capt. Moore, and others, did but their duty in opposing Sir Richard Onslow's faction in preserving the dignity of the Bench, and consequently the peace of the Country. And Sir Richard Onslow deserved rather to be bound himself for his evil behaviour then his good behaviour, and to be turned out of the Commission, and honest Mr. Forbench to be put in his place.

When the Achan was removed, the Bench settled quietly, and the Justices entred into a grave debate; the question was, whether a Justice of the Peace his warrant could be legal, without expressing the particular cause in the said warrant: Major Pitson, and Capt. Moore, were for the Affirmative, the rest were for the Negative; Major Pitson, and Capt. Moore, cited Sir Edward Cook, and Sir John Elliott's case; the other Justices answered, that there was a great difference between a Warrant and a Mittimus; they did grant the particular cause ought to be expressed in the Mittimus, not in the Warrant. The two other Justices answered, that as soon as the Constable had served the Warrant, that party was in *Salvo Custodio*, and consequently a prisoner, and that the illegal Warrants whereby Sir John Elliott, and the rest were committed, was the original cause of that most excellent law called the Petition of right; which the Parliament hath often declared, they will maintain and uphold.

Upon the whole matter there was a certificate drawn by some Justices, suitable to the Warrants to the Commissioners of the Peoples Liberties



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berties, all i<sup>r</sup>-generals, which Sir *Edward Cook* saith signifies nothing in Law. But Major *Pitson* and Capt. *Moore*, anticipated the other Judges, and stated the business *de facto & de jure* in particulars, and proved them punctually. The Lords Commissioners managed the business with great honour and justice: and declared most nobly, that it was the peoples right to plead for themselves, or their friends; and indeed Lieut. Col. *Lilburne*, Major *Pitson*, and Capt. *Moore*, behaved themselves rather like learned modest gown-men, then rough boysterous sword-men, and demonstrated, they bear not the sword in vain. The main plot of Sir *Richard Onslow* and his friends was to smother the original cause, and to throw Major *Pitson* and Capt. *Moore* out of the Commission, and so to awe the well-affected of the Country, and to serve them as Sir *Richard* had done Major *Wythers* before, by *Hollis* had made the loss of *Farnham* Castle appeared a foul business on Sir *Richard Onslow's* part; for he brake his promise with him, and might have supplied major *Wythers* with men and money enough, having a roco men in armes, and the purse of the Country at command. But the King was too high, & Prince *Rupert* was too neer, and the business was doubtfull; Therefore Sir *Richard Onslow* was at his wonted prudential posture, not relying on Gods providence, but at the catch, as he hath done these two years last past, to observe the success of things, and act accordingly. Sir *Richard* has ever bin a true Meroish; first, he was for the mighty Lords and Commons of *Hollis* his faction against the poor despised Independents. Secondly, he was against the disbanding of the Earl of *Essex's* army after he disobeyed the Parliament in loosing their army in the West. Thirdly, Sir *Richard* was against the new Model. Fourthly he was for the disbanding of this victorious Army. Fifthly, he was for raising of Forces against the Army to joyn with the City, and most active in that Committee, when the 11. Members were accused: And lastly, he was a great promoter of the Treaty: Now he hath lately taken the Engagement, and is preparing to come into the House of Parliament; I could wish seeing Sir *Richard* is so brave a spirit, that he can change himself into what shape he pleaseth, that he might be sent first to his friends in *Scotland*; for he voted high for Duke *Hamilton*, in-concurring with *Hollis* his faction, and might be set on the Stool of Repentance, (before he take his place in Parliament) not at *Sterling*, for they are no changlings, but at *S. Johnstones*, amongst the counterfeit Covenanters; though true repentance be never too late, yet late repentance

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repentance is seldome true. These latter times hath produced wonders; for three Commanders, viz. Lieut. Col. *Lilburne*, Major *Pisbon*, Capt. *Moore*, And the old Courtier Mr. *Forbench* stood for the Petition of right, viz. That the particular crime ought to be expressed in every Justice's Warrant: and many Country Justices were against the petition of Right, that the particular cause ought not to be expressed in the Warrant. The free people of *England* are much beholding to the Lords Commissioners; for most honorably and justly they cleared the point, and declared that the particular cause ought to be expressed in the Warrant as well as in the *Mittimus*.

When Sir *Richard Onslow* was worsted with sound Law and Reason, he had his several reserves: a special friend of Sir *Richard's* whose Son he had obliged, in procuring him a *Surry* Troop of Horse, and took free quarter on the Country, and pay, and was then trewanting in the Country, and was absent when there was so much need of him, at the Battle of *Cheriton* in *Hampshire*, when the cause of God, and the very being of the whole nation was at the stake: This friend, most impudently, and slanderously accused honest Mr. *Forbench*, being one of the Kings servants, for promoting the malignant *Surry* Petition. He was answered home that it was most false, and the Accuser swallowed it most patiently, and the standers by adjudged his silence a consent: and that the party is known these thirty years by common fame, to be a bold assertor of incredible things, and is commonly called in his own Country Sir *Thomas Whetstone*, which name Sir *Richard* deserves as well as he: Another friend took upon him the interlineation of the first Malicious illegal Warrant, when it is well known that one whom Sir *Richard Onslow* procured to be Treasurer, and that the Country believes he had drove a great Trade with Souldiers mony, and become suddenly rich, confessed he was the man that did it. A third friend (or rather creature) of Sir *Richard's*, could not remember he had discharged Mr. *Forbench* at *Guildford*; probably he was surcharged with drink, being esteemed a  
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good fellow; but if he were sober, it were out of his gratitude to Sir Richard Onslow, because he had favoured him in the Propositions, and fift, and twentieth part: This principally hath been the cause and root of the growth of Sir Richard Onslow his greatness in the Malignants hearts in Surrey, and made him presume to act so high, by his Lieutenantcy, which was extinct and defunct, contrary to the Ordinance of Parliament, which established the Militia in other hands; And the reason why Sir Richard and his friends removed the Committee from the Borough of Southwark, was, because there was an order made by the said Committee, that the Committee-men should produce their tickets, to demonstrate what the Committee-men had done; for the Parliament, and the well-affected of the Borough shewed they had expressed themselves bountifully, and the Country Gentlemen would not obey the order of the Committee, for they did nothing in proportion to their Estates; yet such men had rather sin, then not have their wills; yet they go for Presbyterians, but with a distinction: Not of the true *Stirling* stamp, but of the counterfeit coyn of *S. Johnstones*, and such according to the Scottish proverb, deserve a *S. Johnstone* ribin, for they care not for God nor their Country, but to uphold their party by might against right. It can be proved by many witnesses, that Sir Richard Onslow hath been a constant friend to the Malignants of Surrey, and persecuted the well-affected, such as have hazarded their lives frequently in battels for the Parliament, and hath lent earliest, and most money upon the propositions: So it is still the same game over again. And to instance in some particulars, avoiding a hundred for brevity sake, Sir Richard Onslow was most active, in saving Mr. *Muschamp* from being sequestred, and himself, and his party over-voted the best affected of Surrey. Likewise the said Sir Richard appeared at *Rygate*, with Sir *Ambrose Browne*, Sir *John Evelin* of *Godstone*, and most of his faction, and joyined with the Malignants of that Town, against the well-affected, who would have chosen that true *Nathaniel*, Sir *Mathew Brand* for their  
Burgesses,



Burgess, but *ſir Richard* carried it for *Mr. George Evelin* of *Wotton*; what this *Mr. Evelin* of *Wotton*, and *Mr. Muschamp* are, doth appear, in the late examinations taken in *ſir Ambroſe Brown* his caſe, before the Commiſſioners for ſequeſtrations ſitting at *Haberdashers Hall London*; wonder upon wonder, *ſir Richard Onflow*, commonly called the King of *Surrey*, hath denyed himſelf, and contrary to his prerogative, hath taken the Engagement, which he will keep, as well as he did his poſt at *Baſing* with his liſted body of the godly men of *Dunkirk*, whoſe precious blood cries loud againſt him, or his promiſe in his letters under his hand and ſeal to faithful perfevering Maior *George Wyndham*, which was the loſs of that conſiderable Frontire *Farnham* Caſtle, which indangered the Southern Association, which *ſir Richard* voted againſt, and much obſtructed, almoſt to the deſtruction of the Parliament.

*Sir Richard* carried himſelf moſt Monarchically, at the laſt quarter Sessions held at *Kingſton in Surrey*, in uſurping the Throne of Juſtice, and accusing honeſt *Mr. Forbench* for a ſcandal, when he is ready to bring truth to light.

The late King was accused, yet *ſir Richard Onflow* is above the accusation of the People, in whom the Parliament have voted, the Supremacy reſides and the ſame men who petitioned againſt the King, and had thanks from the Parliament, expect the like thanks, if they petition, and can make good their Petition, againſt the mock King of *Surrey*.

If it be ſaid, *He hath feaſted his neighbours, and that hee is bountifull and liberall*. It is answered, if *Mr. Forbench* makes good his charge, his feaſts were but a farrow of Piggſ of the Countrys ſow. And for his multitude of Preachers, ſome are Prelatical, moſt are non-Engagers, and many are counterfeit Covenanters. Theſe prerogative proceedings are moſt ſtrange, hapning moſt unhappily the ſecond year of the peoples Liberties, &c. There are no Engliſh preſidents why *ſir Richard* ſhould be truſted; but there have been many Scottiſh preſidents, for ſome have been three or four times

on the Stool of Repentance, & I see no reason why *sir Richard* should be trusted as well as those Scots, and I beleeeve he will be assoon by the Scots, not by the English. For we have a proverb, he that deceives me once shall not deceive me twice; for the first fault is in the deceiver, the second in the deceived. For *Parson Platts* articles backed by *sir Richard Onslow* against *Major Pitson*, they are like the illegal Warrant, and Certificate which signifies nothing, because they consist all in generals, and untruths. God be thanked he met with righteous Judges, and missed his old Friends *Hollis* his Faction, which were easily seduced with plausible untruths and generals.

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*FINIS.*

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